

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**JOHNNY POTTS and JANICE  
POTTS,  
PLAINTIFFS,**

**v.**

**DYNCORP INTERNATIONAL, LLC,  
JAMES MCCANTS, et al.,  
DEFENDANTS.**

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**CIVIL ACTION NO.  
CV-3:06-00124-WHA-CSC**

**UNOPPOSED MOTION TO EXTEND DEADLINES IN UNIFORM SCHEDULING  
ORDER**

Come now the Plaintiffs, by and through the undersigned counsel, pursuant to the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Middle District of Alabama, and ask this Honorable Court to extend the deadlines contained in Sections 4, 7 and 8 of the Uniform Scheduling Order for a period of 21 days and for grounds would show the Court that the deposition of Johnny Potts was taken yesterday. At that deposition, counsel learned that there is a possibility that Mr. Potts will be required to have knee replacement surgery.

Mr. Potts recently had surgery on his broken leg to remove a post in it and had his knee examined arthroscopically at the same time. The knee examination indicated damage to it. Mr. Potts is currently undergoing therapy from the surgery, and has a follow up visit with his doctor on September 26 at which time, based upon the results of the physical therapy, the decision will be made whether to perform knee replacement surgery on Mr. Potts. The extent of Mr. Potts' injuries as a result of the accident on which this suit is based is one central issue in this case, and the resolution of those injuries to a point of maximum medical recovery is essential if the parties are to see if

this case can be resolved prior to trial and also for the plaintiff to be able to prove the full extent of her damages at trial if it is necessary. If knee replacement surgery is in fact required, a further extension may be necessary.

The attorneys for the defendants have no objection to this extension.

WHEREFORE, these premises considered, the Plaintiffs respectfully request that this Honorable Court extend the deadlines in Sections 4, 7 and 8 in the scheduling order for 21 days.

Respectfully submitted on this the 15<sup>th</sup> day of September, 2006.

**MORRIS, HAYNES AND HORNSBY**

*/s Larry W. Morris*

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing in the above referenced case on the 15<sup>th</sup> day of September, 2006 by filing the same electronically with the Clerk of the Court using the CM/ECF system which will send notification of the same to all attorneys of record.

/s/ Larry W. Morris  
Of Counsel